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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,888

10/02/2003

Randy R. Dunton

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03/17/2006

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EXAMINER

ROGERS, SCOTT A

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,888	<b>Applicant(s)</b> DUNTON ET AL.	
	<b>Examiner</b> Scott A. Rogers	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action (pages 2-5).

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I (claims 11-16) in the reply filed on 21 February 2006 is acknowledged. Applicant canceled non-elected claims 17-26 without prejudice. Original claims 1-10 were previously canceled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Degasperi (US 4075604).

#### **Referring to claim 11:**

Degasperi discloses a method of selecting an image, the method comprising the steps of: (a) specifying an image profile (sample image); (b) generating a histogram from an input image (test image); (c) determining whether the histogram of the input image matches the image profile; (d) if the histogram of the step (c) does not match the image profile, then repeating steps (b) and (c) for subsequent input images until the histogram of one of the subsequent input images matches the image profile. See abstract and col. 4, lines 38-68.

Referring to claim 14:

Degasperi further discloses that the input image of the step (b) is provided by an image sensor in an image capture device. See col. 3, lines 11-31).

Referring to claim 15:

Degasperi further discloses that method steps (a)-(d) are performed responsive to a search for a target image having the image profile, the method further comprising the steps of: (e) indicating that the target image has been found. See col. 4, lines 65-68.

Referring to claim 16:

Degasperi further discloses that the input image of the step (b) is provided from an input from a video stream. See col. 3, lines 32-57.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Degasperi as applied to claim 11 above, and further in view of Barker (US 5184215).

Referring to claim 12:

Degasperi does not disclose, in the above method of claim 11, the further step of: (e) responsive to a match between one of the input images and the image profile,

saving to a storage medium the image corresponding to the histogram that matches the image profile.

However, the idea of saving a desired image to a storage medium in response to an event that identifies such an image is taught in Baker (see col. 6, lines 56-65).

It would therefore have been obvious to one of ordinary skill in the art, in view of Baker, to have adapted or added to Degasperi, responsive to output signal 18, the feature of storing the input image in order to have a visual record of only the desired images identified by a histogram that matches the image profile.

Referring to claim 13:

Degasperi discloses saving to a storage medium one or more captured images (see col. 3, lines 46-48). These images are inherently captured chronologically. Furthermore, Baker discloses storing captured images chronologically (see col. 6, lines 63-65 and col. 7, lines 5-8). Therefore, the Degasperi-Baker combination teach, in method of claim 12, the further step of: (f) saving to the storage medium one or more images captured chronologically preceding the image saved in the step (e), Baker also discloses such a step.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 6:00am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Moore can be reached at 571-272-7437.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12 March 2006

  
SCOTT ROGERS  
PRIMARY EXAMINER